



CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Wednesday, 5th January, 1949

OFFICIAL REPORT

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Published by the Manager of Publications, Government of Pakistan, Karachi
Printed by the Asstt. Manager, Governor-General's Press, Pakistan, Karachi
1949

Price : Annas 5.

CONSTITUENT ASSEMBLY OF PAKISTAN

Wednesday, the 5th January, 1949

The Constituent Assembly of Pakistan met in the Assembly Chamber, Karachi, at Eleven of the Clock, Mr. Chairman (Dr. Omar Hayat Malik), in the Chair.

MOTION *RE* : PAY AND ALLOWANCES OF PRESIDENT, CONSTITUENT ASSEMBLY

Khan Sardar Bahadur Khan (N.-W. F. P. : Muslim) : Sir, this Assembly resolves :—

“(1) That there shall be paid to the President a salary of Rs. 3,000 p.m. and a sumptuary allowance of Rs. 300 p.m. ;

(2) That he shall be entitled, without payment of rent, to use a fully furnished residence in Karachi throughout his term of office and for a period of 15 days immediately thereafter and no charges shall fall on him personally on the maintenance of that residence including water, electricity, sanitation and other charges ;

(3) That there shall be afforded to the President travelling facilities as below :—

(a) The President will be entitled, without payment, to an ordinary first class compartment or air-conditioned coupe ;

(b) The President may, in the public interest, travel by air in a regular air service machine and may recover in respect of such journeys, the air fare (except when it is paid by Government direct to the company) together with the cost of transporting up to a maximum of three maunds of luggage by road, rail or steamer (at passenger rates and at owner's risk in the case of a railway journey) and railway or steamer fares without diet of the lowest class for two servants. If he makes his return journey by air he should purchase a return ticket if this involves saving. In the case of an air journey performed as a part of, or as a link in, a railway journey, he is entitled to the transportation at Government cost by rail or steamer without diet of the lowest class for two servants and 3 maunds of personal effects (on passenger rates and at owner's risk in the case of a railway journey) ;

(c) The President will be entitled, without payment, to special steamer accommodation for the exclusive use of one cabin, if he travels by a steamer ;

(d) The President will be entitled to the haulage of a motor car at owner's risk from the headquarters of his constituency to Karachi and back and a single third class fare each way for his chauffeur only once during his tenure ;

(e) Whenever he proceeds on duties to places other than Karachi or the headquarters of his constituency, the President will be entitled to the travelling facilities above and a daily allowance of Rs. 30 will be admissible, but no half daily allowance will be admissible in respect of a place of halt from which the President departs on the same day as that on which he arrived at it or *vice versa*. The half daily allowance is admissible in addition to the actual travelling expenses which the President may claim in respect of travel on that day outside the place of halt before arrival at the place of halt, or after departure from it ;

(f) For each continuous halt on tour exceeding ten days daily allowance will be admissible—

(i) at the full rate for the first ten days ;

(ii) at the three-fourths of full rate for the next twenty days ; and

(iii) at half of the full rate thereafter.

A halt on tour will be treated as continuous for the purpose of clause (iii) above unless interrupted by absence for a period of not less than seven nights.

(g) The President shall, in respect of members of his family and for the transportation of his and their personal effects, be entitled to the same travelling facilities as are admissible to the Ministers of the Pakistan Central Government on joining first appointment.”

Sir, the contents of the resolution relating to the pay and allowances, etc., of the President were scrutinized and have been approved by the Standing Finance Committee. I formally move the resolution.

Mr. Chairman : Motion moved as placed in the Orders of the Day in the name of Khan Sardar Bahadur Khan.

The Honourable Mr. Liaquat Ali Khan (East Bengal : Muslim) : Sir, I support the motion which has been moved by my Honourable friend, Mr. Sardar Bahadur Khan. The prestige and the position of the Sovereign Body is indeed one which every Member should guard jealously and I think the proposal that has been put before the House is in the right direction. The prestige and position of the President of this Assembly should in no way be less than that of the Ministers of the Pakistan Government. I hope that the House will unanimously pass this resolution which has been moved by Mr. Sardar Bahadur Khan. Sir, the President of this Assembly is the custodian of the rights and privileges of the Honourable Members of this House who have sovereign powers and as such we should do everything to keep up the position of our President and keep his prestige at the level which it is necessary to do. Sir, I support the motion.

Mr. Sris Chandra Chattopadhyaya (East Bengal : General) : Sir, on a point of information, are Ministers entitled to saloons while travelling by rail ?

The Honourable Mr. Liaquat Ali Khan : Sir, there are some saloons that have been inherited from the Government of India. As a matter of fact, it is very seldom nowadays that a Minister has time to travel by saloon. The saloon is really meant for occasions when a Minister goes to some place where he has to stay for some days. Otherwise, I can tell my Honourable friend that except in East Bengal, where I had to travel by train, I have not travelled by train for the last eighteen months.

Prof. Raj Kumar Chakraverty (East Bengal : General) : Sir, I rise to support the motion moved by the Chief Whip of the Government Party. The position of the President of this Constituent Assembly is most dignified. Therefore, Sir, it is in the fitness of things that we should provide for his amenities and prestige as much as it lies in our power. One thing struck me when I read this notice of the motion, that some days back the Chief Whip of the Government sent a notice of a similar motion and later on the contents of the notice were changed : and if I raise this question I do so not to oppose the motion but for a clarification on some matters.

Khan Sardar Bahadur Khan : On a point of order, Sir, may I know if the Honourable Member is within his right to refer to a document which is not the property of the House ?

Prof. Raj Kumar Chakraverty : It was circulated to us ?

Mr. Chairman : You need not refer to it.

Prof. Raj Kumar Chakraverty : I am not anxious at all to refer to it, but I only said that there was some change in the notice coming from the Government side.

The Honourable Mr. Liaquat Ali Khan : May I just on a point of order explain the position ? This motion has not come from the Government. All that I want to say is that this motion has been moved by Mr. Sardar Bahadur Khan on behalf of the Finance Committee of the Constituent Assembly. The Government does not really come into the picture at all. All that I wanted to say when I said a few words was that I supported this, and I want to make it clear that it is our desire that the prestige and status of the President should, in no case, be less than that of the Ministers of the Central Government, but this motion has not come from the Government. We really have nothing to do with this. As a matter of fact, according to the Rules, it is the Constituent Assembly that has to fix the salary and other allowances of the President and not the Finance Department of the Pakistan Government or the Ministers of the Government. So it is really the recommendations of the Finance Committee of the Constituent Assembly.

Prof. Raj Kumar Chakraverty : Sir, I thank the Honourable the Leader of the House for correcting me in this matter.

Sir, I am glad to learn that the Government do not desire to give any inferior position to the President of this Assembly and that the Government is as anxious for the position and prestige of the President as anybody else in this House. I would have been, therefore, very glad if I found all the details here in the motion regarding the travelling facilities and other facilities of the President not so elaborately dealt with, but they should have been given in one or two simple sentences like this : That the President of the Constituent Assembly would be entitled to the same privileges and amenities as are admissible to the Ministers of Pakistan Central Government. That is my point. One or two simple sentences would have been more than sufficient instead of making the rules so cumbrous, elaborate and detailed.

Sir, I do not want to go into any comparison between the position of the President of this House and that of the Honourable Ministers, but I want to endorse the statement of the Leader of the House that the President of this Assembly is the highest dignitary and occupies the most dignified position in the realm. This Assembly is the sovereign body in the Dominion and the President is the head of this Assembly. Therefore, it goes without saying that he is the most dignified personage in the realm. Further, he holds the balance between different parties in this House as already stated by the Honourable the Leader of the House. He gives protection to the non-officials against the arbitrariness, if any, on the side of the officials. He gives protection to the minorities against the powers of the majority which the majority may exercise sometimes in an improper way. Therefore, Sir, the position of the President of this House is the most dignified one and if I am allowed, Sir, to make an analogy between the position of the President of this House and that of the Speaker of the House of Commons, I might mention that the Speaker of the House of Commons is known to be the first Commoner in the realm of England. He is called the Speaker because he speaks on behalf of not any particular Party in the House of Commons, but on behalf of all the sections of the Members of the House of Commons. He speaks for the whole august Assembly.

The Honourable Mr. Liaquat Ali Khan : He seldom speaks that is why he is called the Speaker.

Prof. Raj Kumar Chakraverty : His position as far as I know, Sir, is next to that of the Lord President of the Council and therefore, Sir, it is meet and proper that we should give the same prestige and position to our President also here.

Sir, so far as the Honourable Ministers of this House are concerned, they are entitled to certain amenities, *viz.*, a saloon whenever an occasion arises and a special plane. Unfortunately, I do not find any mention of those privileges and amenities in this elaborate resolution moved by Honourable Khan Sardar Bahadur Khan. I, therefore, want to know, Sir, the mind of the Government in this matter as to whether our august President also will be entitled, if necessary, to the privileges of a saloon and a special plane to which the Honourable Ministers of this House are entitled.

The Honourable Mr. Liaquat Ali Khan : They are not entitled to special planes.

Prof. Raj Kumar Chakraverty : And saloon ?

The Honourable Mr. Liaquat Ali Khan : Sir, let us not have the wrangle about saloon. If sometimes the President wants that he would like to travel by saloon because of the reason that the place he is going to has no proper amenities for staying there, the Government will be only too glad to place a saloon at his disposal.

Dr. Mahmud Husain (East Bengal : Muslim) : Sir, there are three minor amendments in my name and with your permission I shall move them one by one.

Sir, I move :

“ That in clause (3) (b) of the motion, the words ‘ in the public interest ’ be deleted.”

In my opinion, Sir, this will make the clause more comprehensive.

Mr. Chairman : The question is :

“ That in clause (3) (b) of the motion, the words ‘ in the public interest ’ be deleted.”

The motion was adopted.

Mr. A. M. A. Hamid (East Bengal : Muslim) : Sir, I move :

“ That in clause (3) of the resolution after part (c) the following new part be inserted, and the subsequent parts be re-numbered accordingly :—

‘ (d) The President will be entitled to recover his actual travelling expenses up to a maximum of one first class railway fare for each journey in addition to the facilities detailed in parts (a), (b) and (c). ’ ”

Sir, this is only to fill the gap in the resolution and I have no other arguments in support of it.

Mr. Chairman : The question is :

“ That in clause (3) of the resolution after part (c) the following new part be inserted, and the subsequent parts be re-numbered accordingly :—

‘ (d) The President will be entitled to recover his actual travelling expenses up to a maximum of one first class railway fare for each journey in addition to the facilities detailed in parts (a), (b) and (c). ’ ”

The motion was adopted.

Dr. Mahmud Husain : Sir, I beg to move :

“ That in clause (3) (d) of the motion, for the words ‘ the headquarters of his constituency ’ the words ‘ his usual place of residence ’ be substituted.”

I believe this will mean an improvement in the drafting of the resolution.

Mr. Chairman : The question is :

“ That in clause (3) (d) of the motion, for the words ‘ the headquarters of his constituency ’ the words ‘ his usual place of residence ’ be substituted.”

The motion was adopted.

Dr. Mahmud Husain : Sir, I beg to move :

“ That in clause (3) (e) of the motion, for words ‘ duties to places other than Karachi or the headquarters of his constituency the President will be entitled to the travelling facilities above and ’ the words ‘ duty to places other than Karachi or his usual place of residence ’ be substituted.”

Mr. Chairman : The question is :

“ That in clause (3) (e) of the motion, for words ‘ duties to places other than Karachi or the headquarters of his constituency the President will be entitled to the travelling facilities above and ’ the words ‘ duty to places other than Karachi or his usual place of residence ’ be substituted.”

The motion was adopted.

Mr. Chairman : The question is :

“ That the motion, as amended, be passed.”

The motion was adopted.

Mr. Chairman : The House stands adjourned till 11-00 A.M. tomorrow the 6th of January, 1949.

The Assembly then adjourned till Eleven of the Clock, on Thursday, the 6th January, 1949.